

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RONALD COMBS,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:05-CV-0831-D
VS.	§	
	§	
LUPE VALDEZ, et al.,	§	
	§	
Defendants.	§	

ORDER


After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendations of the of the United States Magistrate Judge, I am of the opinion that the findings, conclusions, and recommendation of the magistrate judge are correct, and they are adopted as the findings and conclusions of the court. It is therefore ordered that the findings, conclusions, and recommendations of the United States Magistrate Judge are adopted.

Accordingly, defendants Kathryn Flangin and Roselyn Mgbakor's November 10, 2005 motion for judgment on the pleadings is granted, and plaintiff's claims against these defendants in

their individual capacity are dismissed without prejudice by judgment filed today.*

SO ORDERED.

February 9, 2006.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE

*These defendants earlier filed a motion for immediate appeal that the court denied but that the clerk of court docketed as a notice of appeal. The record reflects that the clerk of court transmitted the notice of appeal to the court of appeals on October 13, 2005. This appears to have been an inadvertent error by the clerk. First, the court can find no indication that defendants filed a notice of appeal as opposed to a motion to appeal. Second, it does not appear that the court of appeals docketed the appeal or that these defendants have prosecuted an appeal. Accordingly, the court discerns no jurisdictional impediment to its acting on defendants' motion to dismiss and entering a judgment of dismissal today.